

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 NEA-10 ISO-00 L-03 JUSE-00 COME-00

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TO SECSTATE WASHDC 1300

INFO USMISSION USBERLIN

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AMEMBASSY RABAT

UNCLAS BONN 11132

DEPT PASS JUSTICE, ANTITRUST DIVISION

E.O. 11652: N/A

TAGS: ETRD, OECD, GW

SUBJECT: ANTITRUST CONSULTATIONS

REF: BONN 11051

1. SINCE REFTEL GUTEHOFFNUNGSHUETTE (GHH) HAS RECONSIDERED ADVISABILITY OF GOING THROUGH WITH THE VOLUNTARY AND INFORMAL CONSULTATIONS BETWEEN THEIR REPRESENTATIVES AND MR. GOLDSWEIG. THIS RECONSIDERING APPARENTLY RESULTED FROM A FURTHER DISCUSSION BETWEEN GOLDSWEIG AND GHH ON THE PARAMETERS OF THE CONSULTATION. DR. STAHL OF THE ECONMIN CALLED THE EMBASSY TO RELAY GHH'S LATEST VIEWS AS THEY HAD BEEN GIVEN HIM BY GHH.

2. GHH NOW MAINTAINS THAT THEY WILL NOT PARTICIPATE IN ANY MEETING WITH GOLDSWEIG UNTIL AN OFFICIAL OF GHH RETURNS FROM THE US WHERE HE WILL BE CONSULTING WITH AN AMERICAN LAWYER OF THE GHH AMERICAN SUBSIDIARY. THIS OFFICIAL IS EXPECTED TO RETURN TO GERMANY AT THE LATEST ON JULY 23. DR. STAHL SPECULATES THAT HE WILL PROBABLY BE ACCCOMPANIED BY THE AMERICAN LAWYER WHO WILL WANT TO UNCLASSIFIED

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OVERSEE CLOSELY THE CIRCUMSTANCES AND EXTENT OF ANY

SUBSEQUENT CONSULTATION WITH GOLDSWEIG. GHH, WHICH FEELS IT IS BEING SUBJECTED TO A FORM OF INVESTIGATION NOT COUNTENANCED BY GERMAN LAW, INSISTS THAT IT OBTAIN THE BENEFIT OF COUNSEL BEFORE AGREEING TO ANY CONSULTATION, NO MATTER HOW INFORMAL, WITH GOLDSWEIG. GHH HAS PROPOSED THAT, UNDER THE AUSPICES OF THE ECONMIN, AND IN THE PRESENCE OF AN EMBASSY REPRESENTATIVE, ITS OFFICIAL, FOLLOWING HIS RETURN FROM THE US, MEET WITH GOLDSWEIG TO ESTABLISH THE "RULES AND EXTENT" OF ANY SUBSEQUENT CONSULTATION BETWEEN GHH AND GOLDSWEIG. STAHL HAS OFFERED TO PROVIDE SUITABLE FACILITY FOR SUCH A GROUNDRULES MEETING AT THE ECONMIN FOR ANY DATE SATISFACTORY TO GOLDSWEIG, PREFERABLY AS SOON AFTER JULY 23 AS POSSIBLE.

3. EMBASSY REQUESTS DEPARTMENT'S VIEWS, IF ANY.

4. RABAT: REQUEST TIMMONS PASS GIST THIS MESSAGE TO GOLDSWEIG WHO WE UNDERSTAND IS IN MOROCCO ON OFFICIAL BUSINESS.

5. EC BRUSSELS: JOEL DAVIDOW HAS EXPRESSED INTEREST IN BEING KEPT ABREAST DEVELOPMENTS IN THIS CASE. PLEASE ADVISE HIM OF THIS TURN OF EVENTS.

HILLENBRAND

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NNN

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